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Supreme Court, U.S.
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No. 04-132

In The
Supreme Court of the United States

PEOPLE OF THE STATE OF MICHIGAN

Petitioner,

v.

JOHN RODNEY MCRAE

Respondent.

On Petition for Writ of Certiorari to the Michigan Supreme Court

PETITIONER'S REPLY BRIEF

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ARGUMENT

Respondent suggests in his brief in opposition that the Petitioner's claim has been mooted by the fact that the trial court has indicated that the retrial will be scheduled to begin in January 2005. But Petitioner has filed a timely motion for stay in the trial court asking that the trial be stayed in such a way as to allow this Court an opportunity to review the petition. The motion deadline was November 19, 2004. Respondents' response to this motion in the trial court is not due until December 10, 2004.

The fact that the trial court has not yet granted Petitioner's motion to stay should not dissuade this Court from examining this compelling claim where the Michigan Supreme Court's decision conflicts with other federal and state jurisdictions on the matter. There was no violation of Respondent's Sixth Amendment rights when Respondent initiated a conversation with an old friend, who was a part time, off-duty reserve sheriff, and then made admissions during that meeting.

CONCLUSION

Petitioner requests that this Court grant certiorari, reverse the Michigan Supreme Court's decision, and reinstate Respondent's conviction for first-degree murder.

Respectfully submitted,

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